

AMENDED IN ASSEMBLY AUGUST 15, 2011

AMENDED IN ASSEMBLY JUNE 15, 2011

AMENDED IN SENATE MAY 31, 2011

SENATE BILL

No. 432

Introduced by Senator De León

February 16, 2011

An act to add Section 6714 to the Labor Code, relating to workplace safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 432, as amended, De León. Workplace safety: lodging establishments: housekeeping.

Existing law establishes the Occupational Safety and Health Standards Board within the Department of Industrial Relations and requires the standards board to adopt and, through the Division of Occupational Safety and Health, to enforce all occupational safety and health standards. Under existing law, a knowing or negligent violation of any standard, which is deemed to be a serious violation, constitutes a misdemeanor.

This bill would require the standards board to adopt a standard, *no later than December 1, 2012*, relating to housekeeping in transient lodging establishments requiring the use of fitted sheets on beds *or the use of an approved alternative to assist in sheet installation, as specified*, and the use of long-handled tools for cleaning bathrooms. The bill would require the division to enforce the standard in the ordinary course of its duties pursuant to existing authority. *This bill would require that the standard be operative as of September 1, 2013, and be fully complied with by December 31, 2015.*

Because this bill would require the standards board to adopt a new standard, the serious violation of which would, when effective, create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6714 is added to the Labor Code, to read:
2 6714. (a) ~~The standards board~~ *Occupational Safety and Health*
3 *Standards Board* shall, no later than ~~September~~ *December 1, 2012*,
4 adopt an occupational safety and health standard for lodging
5 establishment housekeeping, *with an operative date of September*
6 *1, 2013, to be fully complied with by December 31, 2015*. The
7 standard shall apply to all hotels, motels, and other similar transient
8 lodging establishments in California. The standard shall *apply to*
9 *bed sheets and long handled tools, and shall* include the following
10 *requirements:*

11 (1) (A) The use of a fitted sheet, instead of a flat sheet, as the
12 bottom sheet on all beds within the lodging establishment. ~~For the~~
13 ~~purpose of this section, a “fitted sheet” means a bed sheet~~
14 ~~containing elastic or similar material sewn into each of the four~~
15 ~~corners that allows the sheet to stay in place over the mattress.~~
16 *Fitted sheets may be purchased in the normal course of the*
17 *replacement of bed linens, so long as full compliance with the*
18 *standard is met no later than December 31, 2015.*

19 (B) *As an alternative to the use of a fitted sheet, the use of*
20 *equipment, such as a wedge, or other device, work practice, or*
21 *method that assists in sheet installation, if the Occupational Safety*
22 *and Health Standards Board determines during the standard*
23 *adoption process that the use of the alternative equipment, work*
24 *practice, or method that assists in sheet installation provides the*
25 *equivalent health and safety protection provided by the use of a*
26 *fitted sheet.*

1 (2) The use of long-handled tools such as mops or similar
2 devices in order to eliminate the practice by housekeepers of
3 working in a stooped, kneeling, or squatting position in order to
4 clean bathroom floors, walls, tubs, toilets, and other bathroom
5 surfaces.

6 (b) Nothing in this section limits the authority of the ~~board~~
7 *Occupational Safety and Health Standards Board* to grant a
8 variance pursuant to Section 143 or any other provision of law.

9 (c) The division shall enforce this section in the ordinary course
10 of its duties pursuant to authority set forth in this part.

11 (d) *For the purpose of this section, a “fitted sheet” means a bed*
12 *sheet containing elastic or similar material sewn into each of the*
13 *four corners that allows the sheet to stay in place over the mattress.*

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.